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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,151	11/02/2001	Michael A. Jones	122748.00003	8529
<div>34282      7590      07/31/2007</div> <div>QUARLES &amp; BRADY LLP</div> <div>ONE SOUTH CHURCH AVENUE, SUITE 1700</div> <div>TUCSON, AZ 85701-1621</div>				
			<div>EXAMINER</div> <div>LU, JIPING</div>	
			<div>ART UNIT</div> <div>3749</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>07/31/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Sp

<b>Office Action Summary</b>	<b>Application No.</b> 10/004,151	<b>Applicant(s)</b> JONES, MICHAEL A.	
	<b>Examiner</b> Jiping Lu	<b>Art Unit</b> 3749	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19, 23, 25, 26 and 52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 is/are allowed.
- 6) ☒ Claim(s) 23 and 52 is/are rejected.
- 7) ☒ Claim(s) 25-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Reissue Applications***

1. Amendment filed 6/6/07 do not comply with 37 CFR 1.173((b)(2). All amendments subsequent to the first amendment must be made relative to the patent specification in effect as of the date of the filing of the reissue application, and **not** relative to the prior amendment (37 CFR 1.173(g)). Therefore, claim 23 of amendment filed 6/6/07 need to be underlined. A supplemental paper correctly amending the reissue application is required.
2. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.
3. Claims 1-19, 23, 25-26 and 52 are rejected as being based upon a defective reissue Declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

“Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant.”

See MPEP § 1414.01.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 23 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Touborg (U. S. Pat. 4,025,295) in view of Touborg (U. S. Pat. 3,980,486).

Touborg (U. S. Pat. 4,025,295) discloses a calcination plant 1 for a particulate feed material (see Fig. 7) comprising a substantially vertical calcination reactor 3 having a bottom portion 2, means 4,6 for effecting transport of the particulate feed material through said calcination reactor along an eddy flow path (see Figs. 3-6) and a burner 7 for creating a flame exposed to the interior of flow path, said effecting means comprising means 6 for introducing the particulate material into said calcinations reactor 3 substantially tangentially of said bottom portion and said flow path extending upwards from said bottom portion (see Figs. 3, 5 and col. 6, lines 60-64, col. 7, lines 6-12) which are arranged same as claimed. However, Touborg (U. S. Pat. 4,025,295) does not show means for effecting transport of the particulate feed material through the calcinations reactor along a substantially cyclonic flow path and a vertically mounted burner. Touborg (U. S. Pat. 3,980,486) teaches a calcination plant 1 for a particulate feed material comprising means 7B, 12 for effecting transport of the particulate feed material through said calcinations reactor 1 along a substantially cyclonic flow path and a vertically mounted burner 8 for create an upward flame 9 (see Fig. 4) same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the calcination plant of Touborg (U. S. Pat. 4,025,295) to include an effecting means 7B of Touborg (U. S. Pat. 3,980,486) in order to transport particulate feed material along a substantially cyclonic flow path and to further modify the calcinations plant of Touborg (U. S.

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Pat. 4,025,295) to include a vertically mounted burner as taught by Touborg (U. S. Pat. 3,980,486) in order to create an upward flame.

6. Claims 23 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Touborg (U. S. Pat. 3,980,486) in view of Touborg (U. S. Pat. 4,025,295).

Touborg (U. S. Pat. 3,980,486) discloses a calcination plant for a particulate feed material (see Fig. 4) comprising a substantially vertical calcination reactor 1 having a bottom portion 3, means 7B, 12 for effecting transport of the particulate feed material through said calcination reactor along a substantially cyclonic flow path (see Fig. 4), and a burner 8 for creating a flame 9 exposed to the interior of said cyclonic flow path which are arranged same as claimed. Said effecting means comprises means 6 for introducing the particulate material into the bottom portion of said calcinations reactor 1 and said cyclonic flow path extending upwards from said bottom portion (see Fig. 4). Said burner 8 is mounted in said bottom portion 3. However, Touborg (U. S. Pat. 3,980,486) does not show means for introducing the particulate material into the calcinations reactor substantially tangentially of the bottom. Touborg (U. S. Pat. 4,025,295) teaches a calcination plant 1 for a particulate feed material comprising means 6 for introducing the particulate material into said calcinations reactor 3 substantially tangentially of said bottom portion same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the calcination plant of Touborg (U. S. Pat. 3,980,486) to substitute the particulate material introducing means 6 of Touborg (U. S. Pat. 4,025,295) for the particulate material introducing means 12 of Touborg (U. S. Pat. 3,980,486) in order to tangentially introduce the particulate material into the calcinations reactor and to pursue an intended use.

***Response to Arguments***

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

8. Claims 1-19 are allowed.

9. Claim 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

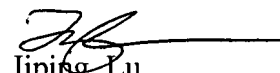
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEVEN B. MCALLISTER can be reached on 571 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jiping Lu  
Primary Examiner  
Art Unit 3749

J. L.